

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Isy Goldwasser, et al.
Serial No. : 08/847,967
Filed : April 22, 1997
For : The Combinatorial Synthesis of Novel Materials
Examiner :
Group Art Unit :



Santa Clara, California
January 10, 1999

Assistant Commissioner for Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants request that the references cited herein be considered in connection with the examination of this application. The references are listed on the attached modified PTO-1449 form. Copies of the references are attached.

For two of the cited documents, which are cited as Berlincourt, T.G., "Proposed search for high-temperature superconductors" and Hanak, J.J., "A step toward automation of materials research" on the attached form PTO-1449, Applicants are without sufficient facts to determine if these two other references are, in fact, prior art. The questionable prior art status of these two references arises from the fact that they are not traditional printed publications, but are instead reports that may or may not have been widely enough distributed to be considered "published." *See, In re Garrett*, 164 USPQ 521 (Ct.

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Cl. 1970), and *Northern Telecom, Inc. v. Dataport Corp.*, 15 USPQ2nd 1321 (Fed. Cir. 1990).

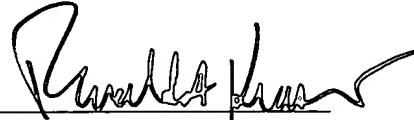
Applicants have been informed that reference Hanak, J.J., "A step toward automation of materials research" is no longer considered "Company Private". However, it is unknown where this report has been circulated or distributed. Moreover, it is unknown when this report was circulated or distributed. In addition, it is unknown whether restrictions were placed on the use or distribution of this report. Applicants were simply informed of the existence of this report and were provided a copy. In order to err on the side of caution and disclosure, Applicants are bringing this report to the attention of the Examiner.

As for reference Berlincourt, T.G., "Proposed search for high-temperature superconductors", Applicants have been informed that this research proposal was circulated to three government agencies, three universities (totaling five different professors) and two commercial companies. The idea in the research proposal was also advanced at a meeting of the Solid State Sciences Committee at the National Academy of Sciences in about 1985. To Applicants' knowledge, funding of the proposed research was never obtained. Applicants do not know if restrictions were placed on the use or dissemination of this research proposal. Again, in order to err on the side of caution and disclosure, Applicants are bringing this reference to the attention of the Examiner.

Applicants believe that no fee is required for submission of this statement.

If a fee is required, the Commissioner is authorized to deduct such fee from Deposit
Account No. 50-0496.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ronald A. Krasnow', written over a horizontal line.

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